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GERLING AMERICA INSURANCE COMPANY  
6

7 **UNITED STATES DISTRICT COURT**  
8 **NORTHERN DISTRICT OF CALIFORNIA**  
9

10 FIREMAN'S FUND INSURANCE )  
COMPANY, a foreign corporation a/s/o )  
11 BASIC RESOURCES, INC. and GEORGE )  
REED, INC., a foreign corporation, )

12 Plaintiff,

13 vs.  
14

15 GERLING AMERICA INSURANCE )  
COMPANY, a foreign corporation, )

16 Defendant.  
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CASE NO.: 3:07-cv-06302-CRB

**JOINT STIPULATION AND ~~PROPOSED~~  
ORDER TO DISMISS ACTION WITH  
PREJUDICE**

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**JOINT STIPULATION AND [PROPOSED] ORDER TO DISMISS ACTION WITH PREJUDICE**  
**CASE NO: 3:07-cv-06302-CRB**

1 Plaintiff FIREMAN'S FUND INSURANCE COMPANY and Defendant GERLING  
2 AMERICA INSURANCE COMPANY, by and through their counsel, hereby stipulate to dismissal  
3 of this action in its entirety with prejudice.

4 IT IS SO STIPULATED.

5  
6 DATED this 30th day of January, 2009.

7 By: /s/ Jon D. Derrevere  
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*Admitted Pro Hac Vice*  
Counsel for Plaintiff

By: /s/ Thomas R. Beer  
THOMAS R. BEER  
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Counsel for Defendant

~~[PROPOSED]~~ ORDER

IT IS SO ORDERED that the above-captioned matter is dismissed in its entirety with prejudice.

Dated: Feb. 03, 2009

THE HONORABLE CHARLES R. BREYER  
UNITED STATES DISTRICT COURT

